

## **REMARKS**

Claims 16-32 have previously been withdrawn from consideration, subject to an Election. With this Response, Applicant respectfully requests that claims 6-9 and 38-41 be canceled without prejudice. Additionally, claims 1, 10-11, 33, and 42-43 are amended herein. Therefore, claims 1-5, 10-15, 33-37, and 42-47 are pending.

## **REJECTIONS UNDER 35 U.S.C. § 101**

Claims 33-47 were rejected under 35 U.S.C. § 101 as being directed to non-patentable subject matter. More particularly, these claims were rejected as being potentially directed to claiming signals, given the mention of signal language in the Specification, and the language of independent claim 33. Per the definition in the Office Action at page 2, signals are not physical articles. As amended herein, claim 33 recites "**a tangible** storage medium having ... instructions **stored** thereon." Applicant respectfully submits that a tangible storage medium storing instructions cannot include a signal as it is defined in the Office Action. Therefore, the rejection of these claims is overcome.

## **REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-6, 12, 13, 15, 33-38, 44, 45 and 47 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0063544 of Uusitalo et al. (hereinafter "Uusitalo"). Applicant respectfully submits that these claims are not anticipated by the reference for at least the following reasons.

Per the Office Action at page 6, Uusitalo fails to disclose a user key and a platform key. Regardless of whether the reference discloses everything else that is asserted in the Office Action, which Applicants does not concede, the Office Action acknowledges the reference fails to disclose these features. As amended herein, claims 1 and 33 explicitly recite a user key and a platform key. Therefore, per the Office Action, the reference fails to disclose or suggest at least one feature of the independent claims as amended herein. Applicant acknowledges that such features were previously recited, for example, in canceled claims 7-9 and 39-41, which are addressed below with regard to the obviousness rejection. Applicant addresses the merits of Uusitalo in light of Morgan to discuss the obviousness rejection below. However, Applicant submits that it should be acknowledged that Uusitalo fails to support an anticipation rejection of the claims as amended herein.

**REJECTIONS UNDER 35 U.S.C. § 103**

**Claims 7-9, 10-11, 39-41 and 42-43**

These claims were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Uusitalo in view of U.S. Patent Application Publication No. 2002/0184491 of Morgan et al. (hereinafter "Morgan"). Claims 7-9 and 39-41 are canceled herein, rendering rejection of these claims moot. Features of these claims have been incorporated into independent claims 1 and 33, which are addressed below. The remaining claims depend from claims 1 and 33, and should be patentable over the cited reference for at least the same reasons as the independent claims.

As amended herein, claim 1 recites the following:

- cryptographically hashing a platform configuration value representing a configuration state of an endpoint platform to generate a cryptographic hash of the platform configuration;
- mixing the cryptographic hash of the platform configuration with a pre-master secret via a hash algorithm to generate a master secret;
- negotiating a communication channel;
- signing the master secret with multiple authentication facets of the endpoint, the multiple authentication facets including a user key representing a particular user and a platform key representing the particular endpoint platform;
- authenticating the negotiated communication channel with the signed master secret to establish the negotiated communication channel as a secure channel.

Claim 33 is likewise an independent claim and recites similar elements as claim 1.

As Applicant has understood the references, both Uusitalo and Morgan discuss authentication schemes directed to the use of multiple keys. Uusitalo appears to discuss concatenating keys, which Morgan appears to discuss the separate and distinct use of keys with different authenticating entities. As discussed above, Uusitalo fails to disclose or suggest the use of user and platform keys. While Morgan appears to disclose a user key and a computer system key, Applicant notes that the two keys are used independently to establish a trusted relationship with each of two separate entities. Thus, in Morgan, there is no suggestion of using the keys together. In fact, using the keys together would destroy the operation of Morgan's system. That is, Morgan's system explicitly requires that the keys be used separately, which would destroy any suggestion to use the keys in combination. Also, the concatenating of keys as provided in Uusitalo fails to disclose or suggest the signing of a master secret with a user key and a platform key, in contrast to what is recited in Applicant's claims. Whether alone or in combination, the cited references fail to disclose or suggest at least the feature of signing a master secret with a

user key and a platform key. Thus, the references fail, whether alone or in combination, to support a rejection of Applicant's claims, at least because they fail to show at least one feature of the invention as recited in Applicant's claims. As mentioned above, the remaining claims depend from the independent claims, and so are patentable over the cited references for at least the same reasons as the independent claims.

#### **Claims 14 and 46**

These claims were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Uusitalo in view of U.S. Patent No. 4,649,233 of Bass et al. (hereinafter "Bass"). Applicant respectfully submits that these claims are not rendered obvious by the cited references for at least the following reasons. As mentioned above, Uusitalo is deficient in failing to show at least one feature of Applicant's independent claims. Bass is not cited as curing, nor indeed does Bass cure the deficiencies of Uusitalo mentioned above. Thus, whether alone or in combination, these references fail to disclose or suggest at least one feature of Applicant's independent claims, and so fail to render obvious the independent claims. These claims, being dependent from those independent claims, are likewise patentable over these references for at least the same reasons set forth above with respect to the independent claims.

**CONCLUSION**

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

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/Vincent H. Anderson/  
Vincent H. Anderson  
Reg. No. 54,962  
Attorney for Applicant

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(503) 439-8778

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: December 13, 2007

/Katherine Jennings/

Katherine Jennings